#366

BILL NO. Z-88-09-01

ZONING MAP ORDINANCE NO. Z-17-88

AN ORDINANCE amending the City of Fort Wayne Zoning Map No. R-14.

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That the area described as follows is hereby designated a M-2 (General Industrial) District under the terms of Chapter 33 of the Code of the City of Fort Wayne, Indiana of 1974:

Lot Numbered 68 in Winch's Third Addition to the City of Fort Wayne, according to the plat thereof, recorded in Plat Record 2, page 33, in the Office of the Recorder, Allen County, Indiana,

and the symbols of the City of Fort Wayne Zoning Map No. P-2, as established by Section 11 of Chapter 33 of the Code of the City of Fort Wayne, Indiana are hereby changed accordingly.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and approval by the Mayor.

Charles B. Redd
Councilmember

APPROVED AS TO FORM AND LEGALITY:

J. Timothy McCaulay
J. TIMOTHY MCCAULAY, CITY ATTORNEY

Read the first time in full and on motion by Bradbury, seconded by Redd, and duly adopted, read the second time by title and referred to the Committee on Regulations (and the City Plan Commission for recommendation) and Public Hearing to be held after due legal notice, at the Council Conference Room 128, City-County Building, Fort Wayne, Indiana, on _____, the _____, day of _____, 19___, at _____ o'clock ___,M.,E.S.T.

DATE: 9-13-88

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Read the ~~third~~ time in full and on motion by Bradbury, seconded by Talarico, and duly adopted, placed on its passage. ~~PASSED~~ LOST by the following vote:

	AYES	NAYS	ABSTAINED	ABSENT	TO-WIT
TOTAL VOTES	7	1			1
BRADBURY	✓				
BURNS	✓				
GiaQUINTA	✓				
HENRY					✓
LONG	✓				
REDD		✓			
SCHMIDT	✓				
STIER	✓				
TALARICO	✓				

DATE: 10-11-88

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as (ANNEXATION) (APPROPRIATION) (GENERAL) (~~SPECIAL~~) (ZONING MAP) ORDINANCE RESOLUTION NO. Z-17-88

on the 11th day of October, 1988,

ATTEST:
Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

SEAL
James S Stier
PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana,

on the 12th day of October, 1988,

at the hour of 11:00 o'clock A.M.,E.S.T.

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Approved and signed by me this 13th day of Octbr,

1988, at the hour of 11:45 o'clock A.M.,E.S.T.

PAUL HELMKE, MAYOR

Prescribed by State Board of Accounts

A.E. BOYCE CO., MUNCIE, IND. GENERAL FORM NO. 352

Cl. #55342 + 55325

RECEIPT

№ 2806

COMMUNITY DEVELOPMENT & PLANNING

FT. WAYNE, IND., 8-17 19 88

RECEIVED FROM Kathley et al $ 100.00

THE SUM OF one hundred + 00/100 DOLLARS

ON ACCOUNT OF

1507 Wabash

rezoning

[signature]

AUTHORIZED SIGNATURE

PETITION FOR ZONING ORDINANCE AMENDMENT

RECEIPT NO. _____

DATE FILED _____

INTENDED USE _____

THIS IS TO BE FILED IN DUPLICATE

I/We Addie L. Swann, formerly Addie L. Charlton, formerly Addie L. Wimbley
(Applicant's Name or Names)

do hereby petition your Honorable Body to amend the Zoning Map of Fort Wayne Indiana, by reclassifying from a/an R-2 District to a/an M-2 District the property described as follows:

Lot Numbered 68 in Winch's Third Addition to the City of Fort Wayne, according to the plat thereof, recorded in Plat Record 2, page 33, in the Office of the Recorder, Allen County, Indiana.

(Legal Descrption) If additional space is needed, use reverse side.

ADDRESS OF PROPERTY IS TO BE INCLUDED: 1507 Wabash Avenue, Fort Wayne, Indiana

(General Description for Planning Staff Use Only)

I/We, the undersigned, certify that I am/We are the owner(s) of fifty-one percentum (51%) or more of the property described in this petition.

Addie L. Swann (formerly Addie L. Charlton; formerly Addie L. Wimbley)	1507 Wabash Avenue Fort Wayne, Indiana	Addie L Swann a/k/a Addie L Charlton a/k/a Addie L Wimbley
(Name)	(Address)	(Signature)

(If additional space is needed, use reverse side.)

Legal Description checked by _____
(OFFICE USE ONLY)

NOTE FOLLOWING RULES

All requests for deferrals, continuances, withdrawals, or requst that the ordinance be taken under advisement shall be filed in writing and be submitted to the City Plan Commission prior to the legal notice pertaining to the ordinanc being sent to the newspaper for legal publication. If the request for deferral, continuance or request that ordinances be taken under advisement is received prior to the publication of the legal ad being published the head of the Plan Commission staff shall not put the matter on the agenda for the meeting at which it was to be considered. The Plan Commission staff will not accept request from petitioners for deferrals, continuances, withdrawals, or requests that an ordinance be taken under advisement, after the legal notice of said ordinance is forwarded to the newspaper for legal publication but shall schedule the matte for hearing before the City Plan Commission. (FILING FEE ~~$50.00~~ $100.00)

Name and address of the preparer, attorney or agent.

Thomas M. Gallmeyer Attorney at Law	Post Office Box 11647 Fort Wayne, IN 46859	219-422-9454
(Name)	(Address & Zip Code)	(Telephone Number)

COMMUNITY DEVELOPMENT AND PLANNING / Division of Long Range Planning & Zoning and (CITY PLAN COMMISSION) / Room #830, City-County Building, One Main Street, Fort Wayne, IN 46802 (PHONE: 219/427-1140).

Applicants, Property owners and preparer shall be notified of the Public Hearing approximately ten (10) days prior to the meeting.

RESOLUTION OF ZONING ORDINANCE AMENDMENT RECOMMENDATION

WHEREAS, the Common Council of the City of Fort Wayne, Indiana, on September 13, 1988 referred a proposed zoning map amendment to the City Plan Commission which proposed ordinance was designated Bill No. Z-88-09-01; and,

WHEREAS, the required notice of public hearing on such proposed ordinance has been published as required by law; and,

WHEREAS, the City Plan Commission conducted a public hearing on such proposed ordinance on September 19, 1988.

NOW THEREFORE, BE IT RESOLVED that the City Plan Commission does hereby recommend that this ordinance be returned to the Common Council with a DO PASS recommendation based on the Commission's following "Findings of Fact":

(1) the grant will not be injurious to the public health, safety, morals, and general welfare of the community;

(2) the use or value of the area adjacent to the property included in the rezoning will not be affected in a substantially adverse manner;

(3) the need for the rezoning arises from some condition peculiar to the property involved and the condition is not due to the general conditions of the neighborhood;

(4) the strict application of the terms of the zoning ordinance will constitute an unusual and unnecessary hardship if applied to the property for which the rezoning is sought; and,

(5) the grant does not interfere substantially with the comprehensive plan adopted under the 500 series of the metropolitan development law.

BE IT FURTHER RESOLVED that the Secretary is hereby directed to present a copy of this resolution to the Common Council at its next regular meeting.

This is to certify that the above is a true and exact copy of a resoluton adopted at the meeting of the Fort Wayne City Plan Commission held September 26, 1988.

Certified and signed this
27th day of September 1988.

Robert Hutner
Secretary

#366

ORIGINAL ORIGINAL

DIGEST SHEET

TITLE OF ORDINANCE Zoning Ordinance Amendment

DEPARTMENT REQUESTING ORDINANCE Land Use Management - CD&P

SYNOPSIS OF ORDINANCE 1507 Wabash Avenue

Z-88-09-01

~~Hold for Oct 11~~

EFFECT OF PASSAGE Property is presently zoned R-2 - Two Family Residential. Property will become M-2 - General Industrial.

EFFECT OF NON-PASSAGE Property will remain R-2- Two Family Residential.

MONEY INVOLVED (Direct Costs, Expenditures, Savings)

(ASSIGN TO COMMITTEE (J.N.)

THE CITY OF FORT WAYNE

CITY-COUNTY BUILDING • ONE MAIN STREET • FORT WAYNE, INDIANA 46802

27 September 1988

COMMUNICATIONS FROM THE CITY PLAN COMMISSION

The Common Council of the
City of Fort Wayne
CityCounty Building
One Main Street
Fort Wayne, IN 46802

Gentlemen and Mrs. Bradbury:

Attached hereto is the recommendation of the City Plan Commission on one (1) ordinance concerning the amendment of the Zoning Ordinance (General Ordinance No. G-06-80, amending Chapter 33 of the Municipal Code of the City of Fort Wayne, Indiana, 1946.) The proposed ordinance is designated as:

Bill No. Z-88-09-01

Respectfully submitted,

CITY PLAN COMMISSION

Certified and signed this
27th day of September 1988.

Robert Hutner
Secretary

FACT SHEET

Z-88-09-01
BILL NUMBER

Division of Community Development & Planning

BRIEF TITLE
Zoning Ordinance Amendment
From R-2 to M-2

APPROVAL DEADLINE

REASON

DETAILS

Specific Location and/or Address
1507 Wabash Avenue

Reason for Project

A parking lot and for the possible future expansion of Wayne Metal Protective Company.

Discussion (Including relationship to other Council actions)

19 September 1988 - Public Hearing

(See Attached Minutes of Meeting)

26 September 1988 - Business Meeting

Motion was made and seconded to return the ordinance to the Common Council with a DO PASS recommendation for for the following reasons:

1) This site is within the Enterprise Zone, and it would appear that the realization of those goals has a higher potential due to the character and condition of existing uses.

2) While the intent of the Comprehensive Plan and the Enterprise Zone may conflict, examination on a case-by-case basis is require.

Of the eight (8) members present seven (7) voted in favor of the motion, one (1) did not vote. Motion carried.

POSITIONS	RECOMMENDATIONS
Sponsor	City Plan Commission
Area Affected	City Wide Other Areas
Applicants/ Proponents	Applicant(s) Addie L. Swann City Department Other
Opponents	Groups or Individuals Basis of Opposition
Staff Recommendation	☐ For ☒ Against Reason Against -would deviate from goals of Comprehensive Plan
Board or Commission Recommendation	By ☒ For ☐ Against ☐ No Action Taken ☐ For with revisions to conditions (See Details column for condition
CITY COUNCIL ACTIONS (For Council use only)	☐ Pass ☐ Other ☐ Pass (as amended) ☐ Hold ☐ Council Sub. ☐ Do not pass

DETAILS

POLICY/PROGRAM IMPACT

Policy or Program Change	☐ No ☐ Yes
Operational Impact Assessment	

(This space for further discussion)

Project Start — Date 17 August 1988

Projected Completion or Occupancy — Date 27 September 1988

Fact Sheet Prepared by — Date 27 September 1988

Patricia Biancaniello

Reviewed by — Date September 30, 1988

Reference or Case Number

a. Bill No. Z-88-09-01 - Change of Zone #366
From R-2 to M-2
1507 Wabash Avenue

Tom Gallmeyer, attorney for the owner and petitioner of the property appeared before the Commission. Mr. Gallmeyer stated that Wayne Metal Protection propose to use the property, if rezoned, for parking. He stated that they have a long range plan of possible expansion of Wayne Metal Protection. He stated that Wayne Metal Protection purchased at tax sale Lots 69, 70, & 71. He stated that this is a mixed neighborhood of residential and industrial uses. He stated that it is also an area that has been included in the Urban Enterprise Area. He stated that the Urban Enterprise Zone is used to stimulate business growth and reinvestment of businesses at their present location. He stated that the long range Comprehensive Plan which wants to see reinvestment in the residential areas, in stabilizing residential uses. He stated that Wayne Metal Protection Metal needs to know whether or not it can grow at its present location and expand, especially in light of the City's requirements that it enhance its waste water treatment process. He stated that to grant the rezoning the Commission would be maintaining the existing industrial investment and development which has been made in this area. He stated that they feel that the granting of the rezoning would halt deterioration of the residents. Mr. Gallmeyer stated that Mr. & Mrs. Swann are elderly people and have been unable to maintain their property as they would like. He stated that they have a problem finding a buyer for their property. He stated that Wayne Metal Protection wants the property and know one else does.

Steve Smith questioned if as indicated on the map that there are only two single family residential structures on the west side of Wabash and one duplex on the east side.

Mr. Gallmeyer stated that they are the only structures there.

Janet Bradbury questioned why they did not request a variance on this lot for parking.

Mr. Gallmeyer stated that a variance would not get the job done. He stated that Wayne Metal has been buying this land up in tax sales all except the Swann property. He stated that they are now seeing if the City will allow them to rezone. He stated if Wayne Metal is going to spend money and buy land it needs to know what the City will allow them to do.

Yvonne Smith stated that she had a problem with rezoning this one lot to M-2. She stated that she felt if they were serious about expanding and came in with a proposal to rezone 68 through 71, it would look to be a totally different question. She stated the logic of rezoning just the one lot as a test escapes her.

Mr. Gallmeyer stated that to expand a factory of this kind the

engineering and architectural up front costs are phenomenal. He stated to have a company spend that money when they really are not sure they are going to expand becomes illogical from an economic standpoint. He stated the Swann's want to sell their property and at this time Wayne Metal Protective does not have a use for the property. He stated that a parking lot is a short range use they have. He stated a long range use would require them to come back in and do all of the lots and put together a whole development plan, but that would cost a substantial amount of money to do that.

Ivan Lebamoff, attorney, representing the owners of the property Mr. & Mrs. Swann, appeared before the Commission. Mr. Lebamoff stated the Swann's had been his clients for some time. He stated that they came to him and questioned what they should do about because they have been unable to sell this real estate. He stated that he has known the owners of Wayne Metal Protective Company for some time and went to them and requested they buy the Swann's property. He stated that they are willing to pay a very good price. He stated though that they (Wayne Metal) do not need a piece of R-2 and requested he assist them in getting the property rezoned. He stated that this is a situation where neighbors are getting along. He stated they are willing to pay the Swann's a fair price in order to help them out, but Wayne Metal does not want to buy a "pig in a poke". He stated that he can not blame them and purchasing this property will square off the property they own.

There was no one else present who wished to speak in favor of or in opposition to the proposed rezoning.

Held til Oct 11

BILL NO. Z-88-09-01

REPORT OF THE COMMITTEE ON REGULATIONS

WE, YOUR COMMITTEE ON REGULATIONS TO WHOM WAS REFERRED AN (ORDINANCE) (~~RESOLUTION~~) amending the City of Fort Wayne Zoning Map No. R-14.

HAVE HAD SAID (ORDINANCE) (~~RESOLUTION~~) UNDER CONSIDERATION AND BEG LEAVE TO REPORT BACK TO THE COMMON COUNCIL THAT SAID (ORDINANCE) (RESOLUTION) Do Pass

YES		NO
Janet G. Bradbury	JANET G. BRADBURY, CHAIRPERSON	
	MARK E. GiaQUINTA, VICE CHAIRMAN	
Charles B. Redd	CHARLES B. REDD	
David C. Long	DAVID C. LONG	
	PAUL M. BURNS	

CONCURRED IN 10-11-88

Sandra E. Kennedy

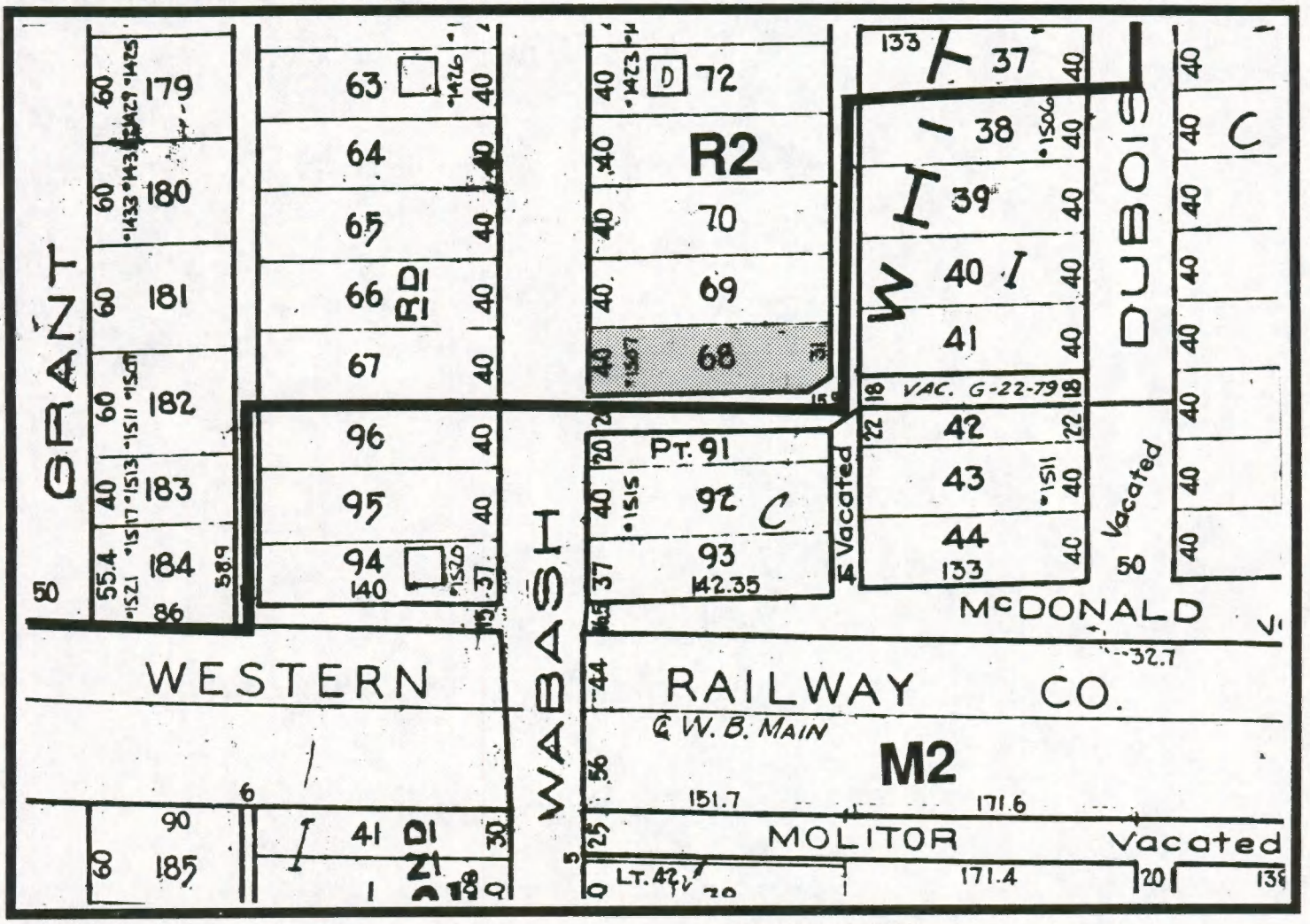
Sandra E. Kennedy
City Clerk

REZONING PETITION #366

A PETITION TO AMEND THE ZONING MAP BY RECLASSIFYING THE DESCRIBED PROPERTY FROM A R2 DISTRICT TO AN M2 DISTRICT.

MAP NO. P-2

COUNCILMANIC DISTRICT NO. 1



ZONING :

R2 RESIDENTIAL DISTRICT

M2 GENERAL INDUSTRY

LAND USE:

☐ *SINGLE FAMILY*

Ⓓ *DUPLEX*

Ⓘ *INDUSTRIAL*

N

SCALE: 1"=100'

DATE: 8-27-88